

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-08607-LGS**

The New York Times Company et al v. Federal
Communications Commission
Assigned to: Judge Lorna G. Schofield
Cause: 05:552 Freedom of Information Act

Date Filed: 09/20/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

The New York Times Company

represented by **Al-Amyn Shiraz Sumar**
The New York Times Company (10018)
620 Eighth Avenue
New York, NY 10018
212-556-2638
Email: al-amyn.sumar@nytimes.com
ATTORNEY TO BE NOTICED

Alexandra Perloff-Giles
The New York Times Company (10018)
620 Eighth Avenue
New York, NY 10018
212-556-7783
Email: aperloffgiles@nytimes.com
ATTORNEY TO BE NOTICED

John Clopper
Clopper Law PC
43 West 43rd Street
Suite 95
New York, NY 10036
347-752-7757
Email: jclopper@clopperlaw.com
ATTORNEY TO BE NOTICED

David Edward McCraw
The New York Times Company (10018)
620 Eighth Avenue
New York, NY 10018
(212) 556-4031
Fax: (212) 556-1009
Email: mccraw@nytimes.com
ATTORNEY TO BE NOTICED

Plaintiff

Nicholas Confessore

represented by **Al-Amyn Shiraz Sumar**
(See above for address)
ATTORNEY TO BE NOTICED

Alexandra Perloff-Giles
(See above for address)
ATTORNEY TO BE NOTICED

John Clopper
(See above for address)
ATTORNEY TO BE NOTICED

David Edward McCraw
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff**Gabriel Dance**

represented by **Al–Amin Shiraz Sumar**
 (See above for address)
ATTORNEY TO BE NOTICED

Alexandra Perloff–Giles
 (See above for address)
ATTORNEY TO BE NOTICED

John Clopper
 (See above for address)
ATTORNEY TO BE NOTICED

David Edward McCraw
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**Federal Communications Commission**

represented by **Tomoko Onozawa**
 U.S. Attorney's Office, SDNY (Chambers Street)
 86 Chambers Street
 New York, NY 10007
 (212) 637–2721
 Fax: (212) 637– 2686
 Email: tomoko.onozawa@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/20/2018	<u>1</u>	COMPLAINT against Federal Communications Commission. (Filing Fee \$ 400.00, Receipt Number 0208–15594454) Document filed by The New York Times Company, Gabriel Dance, Nicholas Confessore.(McCraw, David) (Entered: 09/20/2018)
09/20/2018	<u>2</u>	CIVIL COVER SHEET filed. (McCraw, David) (Entered: 09/20/2018)
09/20/2018	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate Grupo Financiero Inbursa for The New York Times Company. Document filed by The New York Times Company.(McCraw, David) (Entered: 09/20/2018)
09/20/2018	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Federal Communications Commission, re: <u>1</u> Complaint. Document filed by Nicholas Confessore, Gabriel Dance, The New York Times Company. (McCraw, David) (Entered: 09/20/2018)
09/21/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge John G. Koeltl. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (jgo) (Entered: 09/21/2018)
09/21/2018		Magistrate Judge Sarah Netburn is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (jgo) (Entered: 09/21/2018)
09/21/2018		Case Designated ECF. (jgo) (Entered: 09/21/2018)

09/24/2018	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to Federal Communications Commission. (jgo) (Entered: 09/24/2018)
09/24/2018		NOTICE OF CASE REASSIGNMENT to Judge Lorna G. Schofield. Judge John G. Koeltl is no longer assigned to the case. (ma) (Entered: 09/24/2018)
10/02/2018	<u>6</u>	ORDER: Initial Conference set for 11/15/2018 at 10:30 AM in Courtroom 1106, Thurgood Marshal Courthouse, 40 Foley Square, New York, NY 10007 before Judge Lorna G. Schofield. (Signed by Judge Lorna G. Schofield on 10/2/2018) (jca) (Entered: 10/02/2018)
10/05/2018	<u>7</u>	NOTICE OF APPEARANCE by Tomoko Onozawa on behalf of Federal Communications Commission. (Onozawa, Tomoko) (Entered: 10/05/2018)
10/11/2018	<u>8</u>	LETTER MOTION for Extension of Time to File Answer re: <u>1</u> Complaint addressed to Judge Lorna G. Schofield from AUSA Tomoko Onozawa dated 10/11/2018. Document filed by Federal Communications Commission.(Onozawa, Tomoko) (Entered: 10/11/2018)
10/12/2018	<u>9</u>	ORDER granting in part <u>8</u> Letter Motion for Extension of Time to Answer. Application GRANTED. Defendant shall file its Answer by November 2, 2018. (Signed by Judge Lorna G. Schofield on 10/12/2018) (jca) Modified on 10/12/2018 (jca). (Entered: 10/12/2018)
10/12/2018		Set/Reset Deadlines: Federal Communications Commission answer due 11/2/2018. (jca) (Entered: 10/12/2018)
10/16/2018	<u>10</u>	MEMO ENDORSEMENT on re: <u>8</u> LETTER MOTION for Extension of Time to File Answer re: <u>1</u> Complaint addressed to Judge Lorna G. Schofield from AUSA Tomoko Onozawa dated 10/11/2018. filed by Federal Communications Commission. ENDORSEMENT: Application GRANTED. Defendant shall file its Answer by November 9, 2018. Federal Communications Commission answer due 11/9/2018. (Signed by Judge Lorna G. Schofield on 10/16/2018) (cf) (Entered: 10/16/2018)
11/08/2018	<u>11</u>	LETTER addressed to Judge Lorna G. Schofield from David McCraw dated November 8, 2018 re: Initial Pretrial Conference. Document filed by Nicholas Confessore, Gabriel Dance, The New York Times Company.(McCraw, David) (Entered: 11/08/2018)
11/09/2018	<u>12</u>	MEMO ENDORSEMENT on re: <u>11</u> Letter filed by The New York Times Company, Gabriel Dance, Nicholas Confessore. ENDORSEMENT: Application GRANTED. The initial pretrial conference scheduled for November 15, 2018, is CANCELLED. The FCC shall file its motion for summary judgment by December 17, 2018. The Times shall file its cross-motion for summary judgment and opposition to the FCC's motion by January 17, 2019. The FCC shall file its opposition to The Times's cross-motion and reply in support of its motion by February 15, 2019. The Times shall file its reply in support of its cross-motion by February 22, 2019. Each party is limited to a total of 45 pages of briefing, to be allocated between the two memoranda of law. (Cross Motions due by 1/17/2019, Motions due by 12/17/2018, Responses due by 2/15/2019, Replies due by 2/22/2019.) (Signed by Judge Lorna G. Schofield on 11/9/2018) (jca) Modified on 11/9/2018 (jca). (Entered: 11/09/2018)
11/09/2018	<u>13</u>	ANSWER to <u>1</u> Complaint. Document filed by Federal Communications Commission.(Onozawa, Tomoko) (Entered: 11/09/2018)
12/13/2018	<u>14</u>	LETTER MOTION for Extension of Time to File <i>Cross-Motions for Summary Judgment</i> addressed to Judge Lorna G. Schofield from AUSA Tomoko Onozawa dated 12/13/2018. Document filed by Federal Communications Commission.(Onozawa, Tomoko) (Entered: 12/13/2018)
12/14/2018	<u>15</u>	ORDER: granting <u>14</u> Letter Motion for Extension of Time to File. Application GRANTED. The deadline for the Government to file its summary judgment motion is extended from December 17, 2018, to January 4, 2019. Plaintiffs shall file their opposition and cross-motion for summary judgment by February 5, 2019. The Government shall file its opposition to Plaintiffs' cross-motion for summary judgment and its reply in further support of its summary judgment motion by March 5, 2019. Plaintiffs shall file their reply in further support of their cross-motion for summary judgment by March 12, 2019. (Signed by Judge Lorna G. Schofield on 12/14/2018)

		(ama) (Entered: 12/14/2018)
12/14/2018		Set/Reset Deadlines: Cross Motions due by 2/5/2019. Motions due by 1/4/2019. Responses due by 3/5/2019 Replies due by 3/12/2019. (ama) Modified on 12/14/2018 (ama). (Entered: 12/14/2018)
12/14/2018		Set/Reset Deadlines: Responses due by 3/5/2019 (ama) (Entered: 12/14/2018)
12/27/2018	<u>16</u>	STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (mro) (Entered: 01/02/2019)
12/27/2018		Case Stayed (mro) (Entered: 01/14/2019)
01/28/2019	<u>17</u>	ORDER: WHEREAS, this case was stayed on December 27, 2019 (Dkt. 16). It is hereby ORDERED that the stay is lifted. It is further ORDERED that by March 4, 2019, the Government shall file its motion for summary judgment. By April 1, 2019, Plaintiff shall file its opposition and cross-motion for summary judgment. By April 22, 2019, the Government shall file its reply and opposition to Plaintiff's cross-motion for summary judgment. By May 2, 2019, Plaintiff shall file its reply in support of its cross-motion for summary judgment. (Cross Motions due by 4/1/2019., Motions due by 3/4/2019., Responses due by 4/22/2019, Replies due by 5/2/2019.) (Signed by Judge Lorna G. Schofield on 1/28/2019) (cf) (Entered: 01/28/2019)
02/28/2019	<u>18</u>	LETTER MOTION for Extension of Time to File <i>FCC Motion for Summary Judgment</i> addressed to Judge Lorna G. Schofield from AUSA Tomoko Onozawa dated 2/28/2019. Document filed by Federal Communications Commission.(Onozawa, Tomoko) (Entered: 02/28/2019)
03/01/2019	<u>19</u>	ORDER granting <u>18</u> Letter Motion for Extension of Time to File: Application GRANTED. The parties' proposed briefing schedule is adopted. No further extensions will be granted absent extenuating circumstances. (Signed by Judge Lorna G. Schofield on 3/1/2019) (jwh) (Entered: 03/01/2019)
03/01/2019		Set/Reset Deadlines: Motions due by 3/13/2019. Cross Motions due by 4/10/2019. Responses due by 5/1/2019. Replies due by 5/21/2019. (jwh) (Entered: 03/01/2019)
03/12/2019	<u>20</u>	LETTER MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> addressed to Judge Lorna G. Schofield from AUSA Tomoko Onozawa dated 3/12/2019. Document filed by Federal Communications Commission.(Onozawa, Tomoko) (Entered: 03/12/2019)
03/13/2019	<u>21</u>	ORDER granting <u>20</u> Letter Motion for Extension of Time to File. Application GRANTED. The Government shall file its Motion for Summary Judgment by March 14, 2019. Plaintiffs shall file their Opposition and Cross-motion for Summary Judgment by April 11, 2019. The Government shall file its Opposition and Reply by May 2, 2019. Plaintiffs shall file their Reply by May 22, 2019.. (Signed by Judge Lorna G. Schofield on 3/13/2019) (ne) (Entered: 03/13/2019)
03/13/2019		Set/Reset Deadlines: Motions due by 3/14/2019. Cross Motions due by 4/11/2019. Responses due by 5/2/2019. Replies due by 5/22/2019. (ne) Modified on 7/26/2019 (ne). (Entered: 03/13/2019)
03/14/2019	<u>22</u>	MOTION for Summary Judgment . Document filed by Federal Communications Commission.(Onozawa, Tomoko) (Entered: 03/14/2019)
03/14/2019	<u>23</u>	MEMORANDUM OF LAW in Support re: <u>22</u> MOTION for Summary Judgment . . Document filed by Federal Communications Commission. (Onozawa, Tomoko) (Entered: 03/14/2019)
03/14/2019	<u>24</u>	DECLARATION of Erik Scheibert in Support re: <u>22</u> MOTION for Summary Judgment .. Document filed by Federal Communications Commission. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Onozawa, Tomoko) (Entered: 03/14/2019)
04/10/2019	<u>25</u>	NOTICE OF APPEARANCE by John Clopper on behalf of Nicholas Confessore, Gabriel Dance, The New York Times Company. (Clopper, John) (Entered: 04/10/2019)

04/10/2019	<u>26</u>	NOTICE OF APPEARANCE by Al–Aryn Shiraz Sumar on behalf of Nicholas Confessore, Gabriel Dance, The New York Times Company. (Sumar, Al–Aryn) (Entered: 04/10/2019)
04/10/2019	<u>27</u>	CROSS MOTION for Summary Judgment . Document filed by Nicholas Confessore, Gabriel Dance, The New York Times Company.(McCraw, David) (Entered: 04/10/2019)
04/10/2019	<u>28</u>	MEMORANDUM OF LAW in Support re: <u>27</u> CROSS MOTION for Summary Judgment . . Document filed by Nicholas Confessore, Gabriel Dance, The New York Times Company. (McCraw, David) (Entered: 04/10/2019)
05/02/2019	<u>29</u>	REPLY MEMORANDUM OF LAW in Support re: <u>22</u> MOTION for Summary Judgment . <i>and in Opposition to 27 Plaintiffs' Cross–Motion for Summary Judgment.</i> Document filed by Federal Communications Commission. (Onozawa, Tomoko) (Entered: 05/02/2019)
05/02/2019	<u>30</u>	DECLARATION of Erik Scheibert (Second Declaration) in Support re: <u>22</u> MOTION for Summary Judgment .. Document filed by Federal Communications Commission. (Onozawa, Tomoko) (Entered: 05/02/2019)
05/22/2019	<u>31</u>	REPLY MEMORANDUM OF LAW in Support re: <u>27</u> CROSS MOTION for Summary Judgment . . Document filed by Nicholas Confessore, Gabriel Dance, The New York Times Company. (Clopper, John) (Entered: 05/22/2019)
11/08/2019	<u>32</u>	NOTICE OF APPEARANCE by Alexandra Perloff–Giles on behalf of Nicholas Confessore, Gabriel Dance, The New York Times Company. (Perloff–Giles, Alexandra) (Entered: 11/08/2019)